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Right of peoples to self-determination

Algeria, Angola, China, Costa Rica, Cuba, Democratic People's Republic of Korea, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, India, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Niger, Nigeria, Sudan and United Arab Emirates: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 53/135 of 9 December 1998 and Commission on Human Rights resolution 1999/3 of 23 April 1999,

Recalling also all of its relevant resolutions, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, and recalling further the relevant resolutions of the Security Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the non-use of force or threat of use of force in international relations, and self-determination of peoples,

Reaffirming also that, by virtue of the principle of self-determination, as developed in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[1] all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter,

[1] Resolution 2625 (XXV), annex.

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Recognizing that mercenary activities continue to increase in many parts of the world and take on new forms, permitting mercenaries to operate in a better-organized way, with increased pay, and that their numbers have grown and more persons are prepared to become mercenaries,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly on 4 December 1989,[2] and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[3]

2. *Reaffirms* that the recruitment, use, financing and training of mercenaries are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, *inter alia*, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take the necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession or to fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

5. *Calls upon* all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[2]

6. *Welcomes* the cooperation extended by those countries that have invited the Special Rapporteur;

7. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Invites* States to investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occur;

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[2] Resolution 44/34, annex.

[3] A/54/326.

9. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary assistance, both professional and financial;

10. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to be programmed in its immediate activities, to publicize the adverse effects of the activities of mercenaries on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

12. *Requests* the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, and, in this regard, requests the High Commissioner for Human Rights to convene expert meetings, as requested in previous General Assembly resolutions in the past, to study and update the international legislation in force and to propose recommendations for a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities;

13. *Requests* the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the General Assembly at its fifty-fifth session;

14. *Decides* to consider at its fifty-fifth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".